

JIM. GIBBONS
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249
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Leo Drozdoff, P.E.
Acting Director



CHAIRMAN:
Eugene Gans
Las Vegas, NV

May 12, 2011

VICE CHAIRMAN:
Alan Coyner
Administrator
Division of Minerals
Commission on Mineral
Resources

Jose Ontiveros
Plant Manager
Min-Ad, Inc.
P.O. Box 39
Winnemucca, NV 89445

MEMBERS

Pete Anderson
State Forester
Division of Forestry

RE: Penalty Assessments for Air Quality Violation No. 2322

Dear Mr. Ontiveros:

Frances Barron
State Board of Health
Las Vegas, NV

On March 2, 2011, Min-Ad, Inc. (Min-Ad) conducted compliance source testing accordance with the requirements of Class II Air Quality Operating permit AP2048-0381.02. that was issued to Min-Ad by the Nevada Division of Environmental Protection on April 10, 2006. Results from the compliance source test showed that on System 3, the emission rate for PM/PM10 was an average 1.72 lb/hr, exceeding the permitted limit of 1.33 lb/hr by 29.3%.

Jason King
State Engineer
Division of Water Resources

Failure to comply with permitted emission limits represents an air quality violation under NAC 445B.275 Violations.

Kathryn Landreth
Reno, NV

Min-Ad operates a dolomite processing facility, located in Winnemucca, Humboldt County, Nevada, under the above referenced Air Quality Operating Permit

Jim Barbee
Director, Department of
Agriculture

When NDEP sent the Notice of Alleged Air Quality Violation and Order (NOAV) by certified mail on May 9th 2011, it notified Min-Ad of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360. Since Min-Ad did not appeal the NOAV, the State Environmental Commission (SEC) will determine the appropriate penalty for the violations contained in NOAV No. 2322 at its meeting on June 16, 2011.

Kenneth Mayer - Director
Department of Wildlife

Tom Porta
Reno, NV

Mark Turner
Carson City, NV

Stephanne Zimmerman
Las Vegas, NV

COUNSEL
Rose Marie Reynolds

STAFF
John B. Walker
Executive Secretary

This meeting will be held on Thursday, June 16, 2011 at 9:30 a.m. at the Nevada Department of Wildlife's Conference Room A, 1100 Valley Road, Reno, Nevada.

Pursuant to NRS 445B.640(1), the SEC may levy an administrative fine of not more than \$10,000 per day per violation. Staff from NDEP will provide the SEC with a brief overview of the NOAV and its recommendation for an administrative fine of \$3,230.00, which has been calculated from a penalty matrix previously approved by the Commission.

The Commission will formally levy a fine by accepting NDEP's recommendation or increasing or decreasing the fine amount based on the information presented at the meeting.

Your presence is not required at the meeting, although you or a company representative may wish to attend and speak on behalf of Min-Ad. The SEC may, without further notice, take administrative action against Min-Ad, if the SEC determines that such administrative action is warranted after it considers NOAV No. 2322.

If you have any questions regarding this notice, please contact me at (775) 687-9308.

Sincerely,

John B. Walker
Executive Secretary

JW:jw

Certified Mail # 7007 0220 0003 5226 0903

cc: Colleen Cripps, NDEP
Michael Elges, NDEP
Francisco Vega, NDEP
Rose Marie Reynolds, SEC/DAG